

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CAROLYN FARRELL
Plaintiff

v.

CA. No. 1:04-cv-12178-MLW

ELI LILLY AND COMPANY,
et al

Defendants

ATTORNEY'S AFFIDAVIT

I, Kenneth M. Levine, hereby state as follows:

1. I am local counsel for plaintiff in the above-referenced matter.
2. I was admitted to practice as a member of Bar of the Commonwealth of Massachusetts in 1981 and was admitted to practice in the United States District Court, District of Massachusetts in 1989.
3. I have acted as both lead counsel and local counsel in the United States District Court in the past.
4. I am familiar with the Local Rules of the United States District Court as well as the Federal Rules of Civil Procedure.
4. I have attended numerous scheduling conferences as local counsel and as lead counsel.
5. I am local counsel for Attorney Aaron Levine on several cases concerning exposure to DES pending in the United States District Court, District of Massachusetts.
6. Prior to the Scheduling Conference of April 22, 2005, none of the United States District Court Judges required attendance of Aaron Levine at the scheduling conference.
7. After reviewing the Notice of Scheduling Conference dated March 10, 2005 and in preparation for the Scheduling Conference of April 22, 2005, I advised Aaron Levine that his presence was not required pursuant to the Local Rules.

8. I further advised Attorney Levine that Attorney Mone, who is also local counsel for Attorney Levine, would be attending the Scheduling Conference.
9. I have since re-reviewed the Notice of Scheduling Conference dated March 20, 2005 and am aware of my oversight and error in not having Aaron Levine present.
9. I consider all court appearances to be of the utmost importance and apologize to the Court for the failure to advise Attorney Levine that his appearance was required.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 9TH
DAY OF MAY, 2005.

A handwritten signature in blue ink, appearing to read "Ken Levine", is written over a horizontal line.

Kenneth M. Levine